

Entered - 09/26/02 - sb
CL02L0686 - DIANNE C. MITCHELL

CLAIM OF: DIANN SWINNEY, MARILYN BALLARD,
MARTAVIOUS BUCHANAN & SHONTARIAN
BYRD, through their attorney,
C. T. Ejisoby-Nwosu
P. O. Box 310240
Atlanta, Georgia 31131

02-R-1754

For damages alleged to have been sustained as a result of a vehicular
accident on April 30, 2002 at 225 H. E. Holmes Drive.

THIS ADVERSED REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 10/15/02

CHAIR: [Signature]

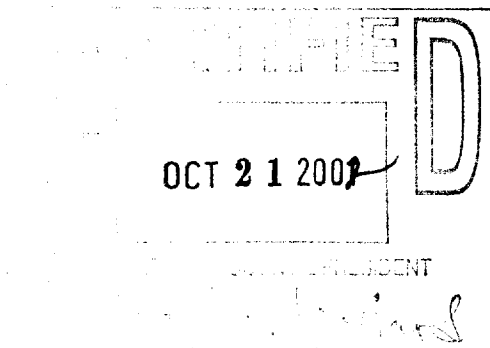
[Signature]

[Signature]

[Signature]

[Signature]

[Signature]





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

October 23, 2002

C. T. Ejisoby-Nwosu
Attorney at Law
P.O. Box 310240
Atlanta, GA 31131

02-R-1754

RE: Diann Swinney, Marilyn Ballar, Martavious
Buchanan & Shontarian Byrd

Dear Attorney Ejisoby-Nwosu:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on October 21, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0686

Date: October 2, 2002

Claimant /Victim DIANN SWINNEY, MARILYN BALLARD, MARTAVIOUS BUCHANAN & SHONTARIAN BYRD
BY: (Atty) C. T. Ejoso-by-Nwosu
Address: P. O. Box 310240, Atlanta, Georgia 31131
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated
Date of Notice: 09/26/02 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 04/30/02 Place: 225 H. E. Holmes Drive
Department Division:
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege they were injured in a vehicular accident involving an employee of the Atlanta Board of Education. The Atlanta Board of Education is a separate legal entity from the City of Atlanta. The claimants' attorney has been advised to pursue their claim directly with the Atlanta Board of Education.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

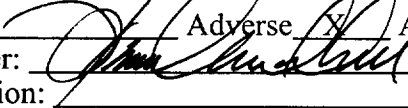
Function: Governmental Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved X Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01
Claims Manager:  Concur/date 1002-02
Committee Action: Council Action

RCS# 4102
10/21/02
2:12 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14; Except 02-o-1643; 02-O-1795
02-R-1803; 02-R-1729
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	NV Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

CONSENT I

ITEMS ADOPTED ON CONSENT		10/21/02 Council Meeting
AGENDA		ITEMS ADVERSE
		ON CONSENT AGENDA
1. 02-O-1368	45. 02-R-1766	48. 02-R-1746
2. 02-O-1710	46. 02-R-1767	49. 02-R-1747
3. 02-O-1674	47. 02-R-1768	50. 02-R-1748
4. 02-O-1645		51. 02-R-1749
5. 02-O-1646		52. 02-R-1750
6. 02-O-1647		53. 02-R-1751
7. 02-O-1648		54. 02-R-1752
8. 02-O-1672		55. 02-R-1753
9. 02-O-1726		56. 02-R-1754
10. 02-O-1728		57. 02-R-1755
11. 02-O-1776		58. 02-R-1756
12. 02-O-1779		59. 02-R-1757
13. 02-O-1781		60. 02-R-1758
14. 02-O-1783		61. 02-R-1759
15. 02-O-1790		62. 02-R-1366
16. 02-O-1791		
17. 02-O-1661		
18. 02-O-1793		
19. 02-O-1584		
20. 02-O-1636		
21. 02-O-1738		
22. 02-R-1176		
23. 02-R-1736		
24. 02-R-1737		
25. 02-R-1745		
26. 02-R-1769		
27. 02-R-1716		
28. 02-R-1740		
29. 02-R-1735		
30. 02-R-1797		
31. 02-R-1800		
32. 02-R-1663		
33. 02-R-1780		
34. 02-R-1802		
35. 02-R-1588		
36. 02-R-1773		
37. 02-R-1787		
38. 02-R-1799		
39. 02-R-1760		
40. 02-R-1761		
41. 02-R-1762		
42. 02-R-1763		
43. 02-R-1764		
44. 02-R-1765		

Consent I Vote: 12 Yeas; 0 Nays (See RCS #4102)
Items Removed from Consent: 02-O-1643; 02-O-1795; 02-R-1803; 02-R-1729